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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/549,435

09/15/2005

Heather R. Schramm

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EXAMINER

KASENGE, CHARLES R

ART UNIT

PAPER NUMBER

2121

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/549,435	Applicant(s) SCHRAMM ET AL.	
	Examiner CHARLES R. KASENGE	Art Unit 2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18,20-31,33-39 and 41-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-18,20-25,35-39 and 41-44 is/are allowed.
- 6) ☒ Claim(s) 26-31,33 and 34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 September 2005 and 02 September 2008 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see Remarks, filed 3/2/09, with respect to the rejection(s) of claim(s) 12-18, 26-31, 33-39 and 41-44 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Dillenback U.S. Patent 6,766,651 and Meyerhoefer et al. U.S. Patent 5,666,186.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

4. Claim 26 is rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: the newly added limitation fails to disclose how the memory card reading device interacts with the other elements in the claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 26-31, 33 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dillenback U.S. Patent 6,766,651 in view of Meyerhoefer et al. U.S. Patent 5,666,186.

7. Regarding claim 26, Dillenback discloses a volatile substance dispensing system comprising: at least one electromechanical dispenser configured to dispense volatile substance from a replaceable volatile substance reservoir when the volatile substance reservoir is loaded in the volatile substance dispensing system, the volatile substance reservoir including information relating to the type of volatile substance contained therein (Fig. 1; col. 5, lines 28-57); at least one reading device for reading the information from the volatile substance reservoir relating to the type of volatile substance stored therein (col. 8, lines 46-55); a user interface to allow a user to adjust an emission from the volatile substance reservoir and enable the user to switch between different programs for controlling the emission from the volatile substance reservoir (col. 7, lines 26-43); and a microprocessor for controlling the electromechanical dispenser to emit a volatile substance from the volatile substance reservoir, the microprocessor receiving one or more signals from the reading device relating to the information read from the reservoir, wherein the microprocessor controls the emission of the volatile substance from the reservoir based on the one or more signals received from the reading device wherein each of the signals corresponds to one of the different set programs (col. 7, lines 26-43; col. 8, lines 46-55; Fig. 1).

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Regarding claims 28, Dillenback discloses the reading device that reads information relating to the volatile substance contained within the reservoir.

Regarding claim 26, Dillenback discloses a user interface that enables the user to adjust emission (col. 7, lines 35-43) and switch between different set programs (col. 7, lines 26-35), but does not expressly disclose using a knob and/or lever. Regarding claims 28 and 37, Dillenback does not disclose using flash memory.

Official notice is taken that replacing keypad button presses with a knob and/or lever and replacing machine readable indicia with flash memory was well known at the time the invention was made in the analogous art of data inputs and data storage.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to use a knob and/or lever and flash memory. One of ordinary skill in the art would have been motivated to do this since it is typical for many types of data input devices to be used in the alternative to keypads, such as touchscreen, buttons, knob, levers, etc and flash memory has the advantage of being able to transmit more data to the computer system.

Regarding claim 26, Dillenback also does not expressly disclose a memory card reading device for reading program information from a replaceable memory card.

Meyerhoefer discloses storing a user guide of an electronic device in a memory card (col. 11, lines 36-58).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to store program information (located in a user manual) for an air freshener device

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in a memory card and use a memory card reader to read the data. One of ordinary skill in the art would have been motivated to do this since it is typical in modern consumer electronics to digitally store user manuals in memory devices.

Therefore, it would have been obvious to modify Dillenback with Meyerhoefer to obtain the invention as specified in claim 26.

Regarding claims 29, Dillenback discloses a volatile substance dispensing system according to claim 26, wherein the dispensing system further includes a continuous action air freshener (col. 2, lines 23-36).

Regarding claims 30, Dillenback discloses a volatile substance dispensing system according to claim 26, wherein the volatile substance is selected from the group consisting of fragrance, insect repellant, insecticide, disinfectant, sanitizer, and water (col. 2, lines 23-36).

Regarding claim 31, Dillenback discloses a volatile substance dispensing system according to claim 26, further comprising a sensor for sensing at least one of light intensity, airborne chemicals, humidity, sound, motion, and temperature, wherein the microprocessor controls the emission of the volatile substances at least partially based on information relating to a sensed condition output from the sensor (col. 4, lines 32-40; col. 8 and 9, lines 63-3).

Regarding claim 33, Dillenback discloses a volatile substance dispensing system according to claim 26, further comprising: a plurality of electromechanical dispensers, each configured to dispense a volatile substance from a respective, replaceable volatile substance reservoir when the volatile substance reservoir is loaded in the volatile substance dispensing system, each volatile substance reservoir including information relating to the volatile substance

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contained therein (col. 5, lines 28-57; Fig. 1); and a plurality of reading devices for reading the information from each of the reservoirs, respectively, and each sending one or more signals to the microprocessor relating to the read information, wherein the microprocessor controls each of the electromechanical dispensers to emit volatile substance based on the one or more signals received from each reading device (col. 8, lines 46-55; Fig. 1).

Regarding claim 34, Dillenback discloses a volatile substance dispensing system according to claim 33, wherein the microprocessor controls the plurality of electromechanical dispensers to emit a coordinated combination of volatile substance from different reservoirs based on the receiving signals from the different reservoirs (col. 5, lines 28-57; Fig. 1).

Allowable Subject Matter

8. Claims 1-18, 20-25, 35-39 and 41-44 are allowed.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES R. KASENGE whose telephone number is (571)272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 571 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CK
May 20, 2009

/Charles R Kasenge/
Examiner, Art Unit 2121